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| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO |  |
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| 09/777,681  | 02/07/2001    | Kazuo Hakamata       | Q61216                  | 3338            |  |
| 759   | 90 06/03/2003 |                      |                         |                 |  |
| SUGHRUE, MION, ZINN MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202 |               |                      | EXAMINER                |                 |  |
|   |               |                      | LEE, SHUN K             |                 |  |
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|   |               |                      | 2878                    | 2878            |  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No.  Application No.  BARTIAB    Application No.  BARTIAB    Art Unit  Shun Lee  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address  THE REPLY FILED 22 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a final rejection under 37 CPR 1.13 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee) or (3) a timely filed Required to avoid abandomment of this application. A proper reply to a condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee) or (3) a timely filed Required to condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee) or (3) a timely filed Required to condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee) or (3) a timely filed Required to Condition for allowance; (2) a timely filed Required to Condition for allowance; (2) a timely filed Required to Condition for the Notice of the filed Regulary (1) and the appoint of the Condition of the Notice of the filed Regulary (1) and the appoint adversion on event, however, with the studiory period for reply overlie later than the mailing date of the final rejection. Not Condition for the Notice of Paper (1) and the appoint adversion of the Notice of Paper (1) and the appoint adversion of the Notice of Paper (1) and the appoint adversion of the Notice of Paperal was filed on Applicant's Regulary (1) and the appoint adversion of the Applicant's Regulary related to the final rejection, even if timely filed, may reduce any example and them distincts of the Applicant's Regulary (2) as set from in (1) above, in checked. Any reply received by the Office later than three months after the mailing date of the final rejection (2) as a set from in (1) above (2) as a set from in (2) as a set from in (2) as a s  | <u> </u>  |  |  |   |  |  |  |  |
|--|---|--|--|---|--|--|--|--|
| Examiner Shun Lee  278  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address  THE REPLY FILED 22 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either (1) a timely filed amendment which places the application in condition for allowance; (2) at timely filed Notice of Appeal (with appeal feet); or (3) a timely filed Request for Continued Examination (RCC) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 4 months from the mailing date of the final rejection. A proper reply to a final rejection of the final rejection on the continued of the final rejection on the continued of the final rejection on the continued of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 705.07(1).  The period for reply expires 4 months from the mailing date of the final rejection, only CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 705.07(1).  The proposed time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from (1) the expiration date of relative shared statutory period reply originally appropriate extension fee under 37 CFR 1.17(a) is calculated from (1) the expiration date of the shared statutory period reply originally appropriate extension fee under 37 CFR 1.17(a) is calculated from (1) the expiration date of the shared statutory period reply originally appropriate extension fee under 37 CFR 1.17(a) is calculated from (1) the expiration date of the shared statutory period resply originally appropriate extension feet under the under shared statutory period resply originally appropriate extension feet under the under  |   | Application No.  | Applicant(s)   |   |  |  |  |  |
| Examiner   Shun Lee   2878   | Advisory Action   |  | HAKAMATA, KAZU                                       | <b>O</b>                                |  |  |  |  |
| THE RELY FILED 22 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.16 may only be either. (1) a timely filed Amendment which places the application in condition for allowed the property of the application | ,,  | Examiner   | Art Unit   |   |  |  |  |  |
| THE REPLY FILED 22 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.    PERIOD FOR REPLY   Check either a) or b)  |   |  |  |   |  |  |  |  |
| Therefore, further action by the applicant is required to avoid abandoment of this application. A proper relyby to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY [check either a) or b)  The period for reply expires a months from the mailing date of the final rejection.  The period for reply expires or: (1) the mailing date of the final rejection.  NEY CHECK THIS ROX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS form the mailing date of the final rejection. Not Y-CHECK THIS ROX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RECIPION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date or which the petition under 37 CFR 1.136(a) and the appropriate extension free have been filled is the date for purposes of determining the period of extension and the corresponding amount of the five Bappropriate extension free have been filled is the date for purposes of determining the period of extension and the corresponding amount of the five Bappropriate extension free have been filled in the date for purposes of determining the period of extension and the corresponding amount of the five Bappropriate extension free have been filled in the date for purposes of determining the period of extension and the corresponding amount of the five Bappropriate extension free the under 37 CFR 1.136(a).  A Notice of Appeal was filed on  | The MAILING DATE of this communication appe   | ears on the cover sheet with the c   | correspondence add                                   | ress                                    |  |  |  |  |
| a) ☐ The period for reply expires 4 months from the mailing date of the final rejection.  b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP DETAILS of 70.  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the file. The appropriate extension fee under 37 CFR 1.176(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or consideration of the file of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.794(b).  1  | Therefore, further action by the applicant is required to average final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appear                                     | oid abandonment of this application and single of the contract | ation. A proper repl<br>h places the applica         | y to a<br>ition in                      |  |  |  |  |
| to period for reply explies on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, never, however, will the statutory period for reply explie later than SIX MONTHS for THE FINAL REJECTION. See MPEP 706.07().  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  Applicant's reply has overcome the following rejection(s):  Applicant's reply has overcome the following rejection for reconsideration h                                      | PERIOD FOR RE   | PLY [check either a) or b)]  |  |   |  |  |  |  |
| no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TYOW MONTHS OF THE FINAL REJECTION. See MPEP 76.07().  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the filed within the period of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(d), to avoid dismissal of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(d)), to avoid dismissal of the appeal.  2   |   |  |  |   |  |  |  |  |
| fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension recurded 72 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1  | no event, however, will the statutory period for reply expire I ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).   | ater than SIX MONTHS from the mailin<br>S FILED WITHIN TWO MONTHS OF TH  | g date of the final rejecti<br>HE FINAL REJECTION.   | ion.<br>See MPEP                        |  |  |  |  |
| 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2.   | fee have been filed is the date for purposes of determining the period of fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Office | of extension and the corresponding amoust<br>the shortened statutory period for reply<br>ce later than three months after the mai  | ount of the fee. The apploriginally set in the final | ropriate extension<br>Office action; or |  |  |  |  |
| (a)  | 1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFF  | s Brief must be filed within the pe<br>R 1.191(d)), to avoid dismissal o   | eriod set forth in<br>If the appeal.                 |   |  |  |  |  |
| (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  3. ☐ Applicant's reply has overcome the following rejection(s):  4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 3-7 and 9-14.  Claim(s) withdrawn from consideration: 1.2 and 8.  8. ☒ The proposed drawing correction filed on 14 August 2002 is a)☒ approved or b)☐ disapproved by the Examiner.  9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)   | 2. The proposed amendment(s) will not be entered be   | ecause:  |  |   |  |  |  |  |
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| NOTE:  3.  |   |  |  |   |  |  |  |  |
| <ul> <li>3.  Applicant's reply has overcome the following rejection(s):</li> <li>4.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5.  The a)affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.</li> <li>6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: <u>3-7 and 9-14</u>.  Claim(s) withdrawn from consideration: <u>1.2 and 8</u>.</li> <li>8.  The proposed drawing correction filed on <u>14 August 2002</u> is a) approved or b) disapproved by the Examiner.</li> <li>9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)</li> </ul>  |   | ing a corresponding number of f  | inally rejected claim                                | IS.                                     |  |  |  |  |
| <ul> <li>4.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5.  The a) _ affidavit, b) _ exhibit, or c) ∑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.</li> <li>6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7.  For purposes of Appeal, the proposed amendment(s) a) _ will not be entered or b) ∑ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) vithdrawn from consideration: 1.2 and 8.</li> <li>8.  The proposed drawing correction filed on 14 August 2002 is a) ∑ approved or b) _ disapproved by the Examiner.</li> <li>9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)</li> </ul>  | <del></del>   | tion(s):   |  |   |  |  |  |  |
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| <ul> <li>6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 3-7 and 9-14.  Claim(s) withdrawn from consideration: 1.2 and 8.</li> <li>8. ☒ The proposed drawing correction filed on 14 August 2002 is a) ☒ approved or b) ☐ disapproved by the Examiner.</li> <li>9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)</li> </ul>   |   |  | idered but does NO                                   | T place the                             |  |  |  |  |
| <ul> <li>7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 3-7 and 9-14.  Claim(s) withdrawn from consideration: 1.2 and 8.</li> <li>8. ☒ The proposed drawing correction filed on 14 August 2002 is a) ☒ approved or b) ☐ disapproved by the Examiner.</li> <li>9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)</li> </ul>   |   | ause it is not directed SOLELY   | to issues which wer                                  | e newly                                 |  |  |  |  |
| Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: <u>3-7 and 9-14.</u> Claim(s) withdrawn from consideration: <u>1,2 and 8.</u> 8. ☑ The proposed drawing correction filed on <u>14 August 2002</u> is a) ☑ approved or b) ☐ disapproved by the Examiner.  9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  | 7. For purposes of Appeal, the proposed amendment   | t(s) a)  will not be entered or bould be rejected is provided belo   | )⊠ will be entered a<br>ow or appended.              | and an                                  |  |  |  |  |
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| CONSTANTINE HANNAHER  GNSTANTINE PRIMARY EXAMINER  JANNA ITAGROUP ART UNIT 2878  | <u> </u>  |  |  | ==                                      |  |  |  |  |
|  |   | GNSTANTIN PE<br>1:41 NNA ITAGRE  | STANTINE HANN<br>RIMARY EXAMIN<br>DUP ART UNIT 2     | AHER<br>ER<br>878                       |  |  |  |  |

Continuation of 5. does NOT place the application in condition for allowance because: in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., areas outside the region of interest are not formed as image forming areas) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant should note that independent claims 3 and 4 recite the limitation of "a fluorescence imaging region utilized for the imaging of the fluorescence and a non-imaging region other than the fluorescence imaging region". Further, independent claim 3 recites the limitation that "when signal charges are to be read from the image sensor, signal charges, which have been accumulated in at least certain pixels among pixels falling within the non-imaging region, are prevented from being read" and independent claim 4 recites the limitation that "signal charges, which have been accumulated in pixels falling within a certain area of the non-imaging region, are read with either one of a quick reading operation ... and a binning reading operation". It is important to recognize that within independent claims 3 and 4 there is no limitation that the non-imaging region cannot contain pixels which detect fluorescence or other light from the measuring site. Thus a "non-imaging region" can be used to detect fluorescence from the measuring site since some non-imaging region pixels are prevented from being read while other non-imaging region pixels are not prevented from being read. Therefore it is clear that the scope of independent claims 3 and 4 encompasses embodiments where an imaging means is divided into a "imaging region" and a "non-imaging region" wherein the "imaging region" is utilized for fluorescence imaging and the portions of the "nonimaging region" are utilized for fluorescence imaging and/or other types of imaging. Thus applicant's arguments whether the "non-imaging region" are utilized for fluorescence imaging and/or other types of imaging are not persuasive since the features upon which applicant relies are not recited in the rejected claims.